

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 76
DATE FILED: **OCT 07 2014**

X
:
UNITED STATES OF AMERICA :
:
:
-v- : 14-cr-68 (KBF)
:
:
ROSS WILLIAM ULRICH, : ORDER
a/k/a "Dred Pirate Roberts," :
a/k/a "DPR," :
a/k/a "Silk Road," :
:
Defendant. :
-----X

KATHERINE B. FORREST, District Judge:

The Court has not received a declaration or affidavit from defendant Ross Ulbricht, demonstrating that he had a subjective expectation of privacy in any of the items seized and as to which his suppression motion relates. The Court has read his counsel's argument as to the order in which they assert that decisions should be made. The potential rationale for not submitting a declaration or affidavit may, however, be different for the servers located in premises operated by third parties, versus the wireless router located on Montgomery Street, the laptop, the Gmail and Facebook accounts.

The Court will give Mr. Ulbricht one final opportunity to submit a declaration or affidavit in support of his motion (which would of course need to have sufficient specificity to establish a subjective expectation of privacy in items to which it relates). However, given that the defendant has had quite a long time already to make such a submission, if he now decides to submit one, the Court must

be so notified by 5pm today (October 7) that one shall be forthcoming by tomorrow, and to specify the particular items it will cover.

SO ORDERED.

Dated: New York, New York
October 7, 2014

K. B. Forrest
KATHERINE B. FORREST
United States District Judge